

COJ

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ULYESSES B. ADAMS

FILED

CIVIL ACTION

v.

PENNSYLVANIA SUPREME COURT, et al. 13-5457

SEP 23 2013  
MICHAEL E. KUNZ, Clerk  
Dep. Clerk  
By: [Signature]  
MEMORANDUM

JONES, J.

SEPTEMBER 23, 2013

Plaintiff Ulyesses B. Adams brought this civil action against the Pennsylvania Supreme Court, the Commonwealth Court, and the Philadelphia Court of Common Pleas, based on his dissatisfaction with the outcome of a lawsuit that he filed in state court. Plaintiff alleges that the state courts, in finding against him, misquoted the law, permitted ex parte communications, held a hearing in his absence, and prevented him from presenting his case. He submitted a complaint to the Pennsylvania Supreme Court concerning the manner in which his case was handled, but the complaint was not investigated. Plaintiff initiated this action, apparently pursuant to 42 U.S.C. § 1983, asking this Court to hear the case that he lost in state court. He also seeks to proceed in forma pauperis.

Plaintiff's motion to proceed in forma pauperis is granted because he has satisfied the requirements set forth in 28 U.S.C. § 1915. Accordingly, 28 U.S.C. § 1915(e)(2)(B) applies. That provision requires the Court to dismiss the complaint if, among other things, it is frivolous. A complaint is frivolous if it "lacks an arguable basis either in law or in fact," Neitzke v.

Williams, 490 U.S. 319, 325 (1989), and is legally baseless if it is "based on an indisputably meritless legal theory." Deutsch v. United States, 67 F.3d 1080, 1085 (3d Cir. 1995). Furthermore, "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3).

To the extent that plaintiff is complaining of injuries caused by the state courts' judgments and asking this Court to "review and reject" those judgments, the Court lacks jurisdiction pursuant to the Rooker-Feldman doctrine. Great W. Mining & Mineral Co. v. Fox Rothschild LLP, 615 F.3d 159, 166 (3d Cir. 2010) (district courts lack jurisdiction over "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments") (quotations omitted). To the extent that this Court has jurisdiction over plaintiff's claims, the claims are dismissed as legally frivolous because Pennsylvania courts are entitled to Eleventh Amendment immunity from suit under § 1983 and, in any event, are not "persons" for purposes of that provision. See Will v. Mich. Dep't of State Police, 491 U.S. 58, 66 (1989) (explaining that § 1983 "does not provide a federal forum for litigants who seek a remedy against a State for alleged deprivations of civil liberties"); Benn v. First Judicial Dist. of Pa., 426 F.3d 233, 235 n.1 & 241 (3d Cir. 2005) (holding that Pennsylvania courts share in the Commonwealth's Eleventh

Amendment immunity).

For the foregoing reasons, plaintiff's complaint is dismissed. Plaintiff will not be given leave to amend because amendment would be futile. See Grayson v. Mayview State Hosp., 293 F.3d 103, 112-13 (3d Cir. 2002). An appropriate order follows.

**ENTERED**

**SEP 24 2013**

**CLERK OF COURT**

9/24/13 mail:  
Adams